

1 THOMAS E. FRANKOVICH (State Bar #074414)
2 THOMAS E. FRANKOVICH
3 *A PROFESSIONAL LAW CORPORATION*
4 4328 Redwood Hwy, Suite 300
5 San Rafael, CA 94903
6 Telephone: 415/674-8600
7 Facsimile: 415/674-9900

8 Attorneys for Plaintiffs PATRICK CONNALLY
9 and DISABILITY RIGHTS ENFORCEMENT,
10 EDUCATION SERVICES

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 PATRICK CONNALLY an individual; and)
14 DISABILITY RIGHTS ENFORCEMENT,)
15 EDUCATION SERVICES:HELPING)
16 YOU HELP OTHERS, a California public)
17 benefit corporation,

18 Plaintiffs,

19 v.
20 ALL STAR DOUGHNUTS; ALKAR
21 PROPERTIES LLC, a limited liability
22 company; HO CHAY LY and PAUL VAN
23 LY, individuals dba ALL STAR
24 DOUGHNUTS,

25 Defendants.

26 CASE NO. CV 08-02163 PJH

27 STIPULATION OF DISMISSAL AND
28 [PROPOSED] ORDER THEREON

29 The parties, by and through their respective counsel, stipulate to dismissal of this action
30 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
31 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own
32 costs and attorneys’ fees. The parties further consent to and request that the Court retain
33 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511
34 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
35 settlement agreements).

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38 STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON CONNALLY V. ALL STAR DOUGHNUTS

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their
2 designated counsel that the above-captioned action be and hereby is dismissed with prejudice
3 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6
7 Dated: December 19, 2008

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

9 By: _____ /S/
10 Attorney for PATRICK CONNALLY and
11 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING
YOU HELP OTHERS

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14 Dated: December 22, 2008

AARON P. SILBERMAN,
ATTORNEY AT LAW

16 By: _____ /S/
17 Attorney for ALKAR PROPERTIES, LLC

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1 Dated: December 19, 2008

IILENE M. HOCHSTEIN,
ATTORNEY AT LAW

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3 By: _____ /S/
4 Attorney for HO CHAY LY and PAUL VAN LY

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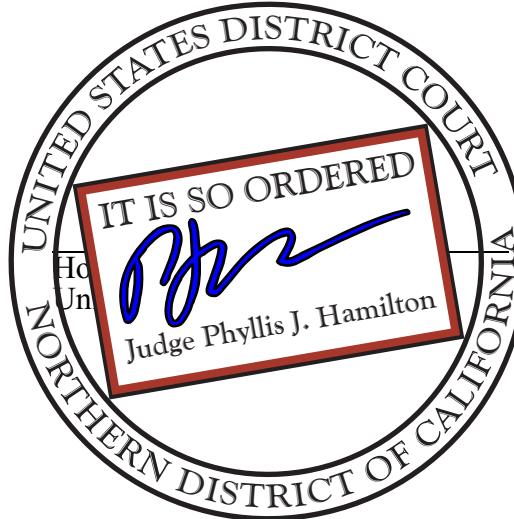
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7 **ORDER**

8 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
9 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
10 purpose of enforcing the parties' Settlement Agreement and General Release should such
11 enforcement be necessary.

12 January 8, 2009

13 Dated: _____, 2008



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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON **CONNALLY V. ALL STAR DOUGHNUTS**

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UNITED STATE DISTRICT JUDGE